

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

MS-11-238 FLN

OSCAR TURCIOS-RIVERA

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 20, 2011, in Jackson County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed from the United States on or about March 19, 1998, subsequent to a conviction for an aggravated felony, namely, Lewd and Lascivious Acts Upon a Child, in the State of California on or about February 28, 1991, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

6/13/11

The Honorable Franklin L. Noel
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Complainant

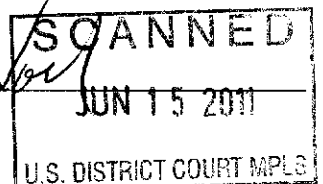
Jennifer Skwira

U.S. Immigration and Customs Enforcement

Minneapolis, MN

City and State

Signature of Judicial Officer



STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF Jennifer Skwira

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about May 20, 2011, in Jackson County, in the State and District of Minnesota, Oscar TURCIOS-Rivera unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that TURCIOS-Rivera's removal was subsequent to a conviction for commission of an

aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On May 20, 2011, TURCIOS-Rivera was encountered and arrested in Jackson County for Display/Possess Fictitious/Fraudulently Altered DL/MN ID; Use False Name/DOB, Make False Name/DOB; Make False Statement when Applying for DL and Driving After Cancellation by the Minnesota State Patrol. During the traffic stop, on May 20, 2011, Immigration Enforcement Agent (IEA), Robert Fritz was contacted by the state patrol. IEA Fritz interviewed TURCIOS-Rivera and TURCIOS-Rivera claimed to be a United States Citizen from Puerto Rico. IEA Fritz then ended the interview. Later, after TURCIOS-Rivera was arrested by the Minnesota State Patrol on the above mentioned state charges and fingerprints were taken, IEA Michael Eaton, with the Law Enforcement Support Center spoke with TURCIOS-Rivera and established alienage and removability. IEA Eaton placed an ICE detainer hold on TURCIOS-Rivera with the filing of form I-247. TURCIOS-Rivera was prosecuted and convicted of Give Police Officer False Name in State Court in Jackson County, Minnesota.
6. On June 2, 2011, TURCIOS-Rivera was turned over to ICE administrative custody and transported to the Sioux Falls, South Dakota ICE office for administrative processing of a reinstatement of removal order. On June 2, 2011, TURCIOS-Rivera was advised of his Miranda Rights. TURCIOS-Rivera voluntarily gave a sworn statement to IEA Robert Fritz. IEA Fritz took TURCIOS-Rivera into administrative custody and served TURCIOS-Rivera with the required administrative paperwork

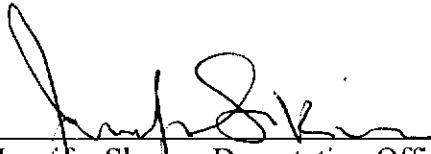
including form I-871 (reinstatement of removal order). His administrative file was requested for review and he was prepared for transportation to the Bloomington, Minnesota, ICE Office.

7. My investigation has revealed that on March 29, 1991, TURCIOS-Rivera was convicted in Superior Court of California, County of Merced for the offense of Lewd and Lascivious Acts upon a Child under the age of 14 in violation of Section 288(a) of the California Penal Code. TURCIOS-Rivera was sentenced to 6 years incarceration.
8. TURCIOS-Rivera's immigration file indicates that he has been previously arrested and removed from the United States on two occasions. On February 24, 1994, TURCIOS-Rivera was removed from the United States to Mexico at the Calexico, CA port of entry. On March 19, 1998, TURCIOS-Rivera was removed from the United States to Mexico at the El Paso, TX port of entry.
9. Law enforcement has confirmed through fingerprints and photographs contained in TURCIOS-Rivera's criminal history and immigration file that the individual who is referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on May 20, 2011, by ICE.
10. My investigation has revealed that TURCIOS-Rivera is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
11. My investigation confirms that since his removal from the United States on March 19, 1998, TURCIOS-Rivera has not applied for, nor received, permission to enter the

United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

12. Based on these facts, I have reason to believe that Oscar TURCIOS-Rivera unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

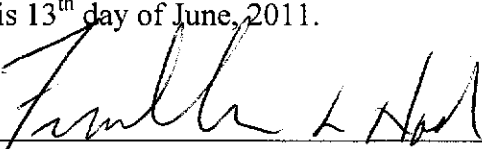
13. Further Your Affiant Sayeth Not.



Jennifer Skwira, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 13th day of June, 2011.



FRANKLIN L. NOEL
United States Magistrate Judge